

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/2/19

RALPH BRANNON,

Plaintiff,

v.

DELTA AIRLINES, INC., REBECCA
BERNANDIN, CORIE NICHOLS POSIE,
and THE PORT AUTHORITY OF THE
STATE OF NEW YORK AND NEW
JERSEY,

Defendants.

No. 17-CV-6024 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

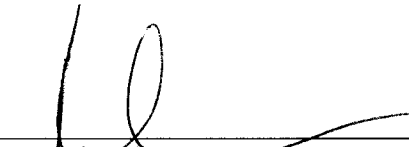
On August 9, 2019, Defendant the Port Authority of New York and New Jersey filed a motion for summary judgment. *See* Dkt. 117. As of today's date, the Court has not received a response from Plaintiff as to the Port Authority's motion (although it has received an opposition to the Delta Defendants' motion for summary judgment, *see* Dkt. 131). No later than December 23, 2019, Plaintiff shall file either a response to the Port Authority's motion for summary judgment or a letter indicating that he does not intend to file a response but nonetheless seeks to pursue this action against the Port Authority. If Plaintiff informs the Court that he intends to pursue this action against the Port Authority, but chooses not to oppose the Port Authority's motion, then the Court will deem that motion fully briefed and take it under submission. *See Lue v. JPMorgan & Chase Co.*, 768 F. App'x 7, 10 (2d Cir. 2019) ("Where a motion for summary judgment is unopposed, summary judgment is proper only if the court is satisfied that the moving party has met its burden with sufficient support in the record evidence.") (citing *Vt. Teddy Bear Co. v. 1-800 Beargram Co.*, 373 F.3d 241, 244 (2d Cir. 2004)). If, however, Plaintiff does not respond to this Order, either

by responding to the Port Authority's motion or by submitting a letter indicating that he does not intend to do so, then the Court may dismiss this action, as against the Port Authority, for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: December 2, 2019
New York, New York



Ronnie Abrams
United States District Judge